

F B I

Date: December 2, 1966

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL _____
(Priority)

TO : DIRECTOR, FBI ATTN. T. J. McAndrews Division 9

FROM: SAC, Milwaukee (66-950)

FRANK PETER BALISTRERI
AR

ReMITel 12-1-66, captioned "WILLIAM COVELLI, IGA, Bufile 162-777," and Butelcall to SAC, Milwaukee, and MI telcall to Bureau 12-2-66, instant.

Retel contained information concerning discussion between USA James E. Brennan and the AAG, Fred Vinson, Jr., concerning any restrictions placed by Judge Poos in BALISTRERI tax case re use of FRINZI electronic coverage logs by defense. USA Brennan on 12-1-66, requested [redacted] Departmental Attorney now located at Springfield, to review transcripts and also discuss with Judge Poos question of restrictions.

This matter further discussed by SAC, Milwaukee with USA Brennan, 12-2-66, relating particularly to whether Defense Attorney [redacted] made the FRINZI surveillance logs available to FRINZI, and whether this was proper, and as to whether the court put any restrictions on FRINZI in regard to use of these logs in any other capacity than in defense of BALISTRERI. USA Brennan advised that [redacted] had reviewed the transcripts concerning all discussions and references relating to these logs and had also discussed this aspect with Judge Poos. Brennan stated that originally, the court turned over to the Defense for use in defense of BALISTRERI the logs and other material relating to BALISTRERI, himself, [redacted]. The court, of course, cautioned all attorneys involved not to discuss this material outside the court. Subsequently, specific inquiries by Defense Attorney [redacted] elicited information that a third surveillance had been undertaken, with Departmental approval. Departmental Attorney [redacted] admitted in court that the third surveillance concerned a lawyer, but the person surveilled was not identified. The FRINZI logs, which had been furnished [redacted] per Bureau instructions, had been placed in the custody of the court.

3 - Bureau (Air Mail - Registered)

1 - Milwaukee (66-950)

PFP:mcs

(4)

NOT RECORDED

145 DEC 9 1966

Approved: [Signature]

Sent

Per

Special Agent in Charge

ORIGINAL FILED IN 92-3116-462

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(Priority)

Airtel to Bureau
MI 66-950
12-2-66

According to USA Brennan, Attorney [] during in camera discussions, demanded to know the identity of the lawyer and specifically asked if it was Attorney FRINZI. At this juncture, the Departmental Attorneys discussed the matter with the Department and also with Judge Poos (who was aware all along of FRINZI's identity), after which Judge Poos decided that the Defense should have the FRINZI logs, and the Department agreed, including the identity of FRINZI. A copy of the FRINZI logs was given to Attorney [] one was retained by the court, and a copy was kept [] Brennan advised that no restrictions were placed by Judge Poos on the Defense concerning its use of the FRINZI logs -- expressed or implied. According to Brennan, [] subsequently brought out FRINZI's name in court and when FRINZI was contacted by press media, he admitted he was the lawyer who had been surveilled.

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USA Brennan advised that Judge Poos and all of the prosecuting staff, including [] have assumed that Attorney [] immediately made the logs available to FRINZI as the latter was also a lawyer of record in the BALISTRIERI case, and had complete access to the logs.

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USA Brennan advised that after reviewing the transcript of testimony in the case and discussing the matter with Judge Poos, and after this aspect had again been discussed with the Department, it was concluded that there were no court restrictions to prevent FRINZI from using information from the FRINZI log, even in proceedings outside the BALISTRIERI case, such as in the local WILLIAM COVELLI trial in Kenosha. USA Brennan stated Attorney FRINZI's actions in the COVELLI case were reviewed with Judge Poos and the Judge indicates he thinks FRINZI is idiotic to try to use this log information outside the BALISTRIERI case in view of the unfavorable information therein pertaining to FRINZI, but raised no objection if FRINZI wants to embarrass himself publicly.

Brennan stated that based on [] transcript review, discussion with Judge Poos and discussion with the Department, there appears

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Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

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MI 66-950
12-2-66

to be no basis for contempt action or other order from the Springfield court to prevent FRINZI's use of the information contained in the FRINZI log, and it would appear that FRINZI could even make a public record of the log if he desired.

It is noted MIAirtel to Bureau 12-1-66 set forth information concerning a hearing scheduled for 12-5-66 by the Milwaukee City Council to consider a proposed ordinance banning the use of wire tapping and containing criminal sanctions covering both local and federal officials. Information received by SAC, Milwaukee, 12-1-66, indicated an invitation to this hearing would be received by SAC, Milwaukee, among other officials.

On 12-2-66, written invitation dated 12-1-66 on letterhead of Office of the City Clerk, City of Milwaukee, was received by mail at Milwaukee office inviting SAC to above-mentioned hearing 12-5-63 at 10:30 A.M., which hearing would be held by [REDACTED]

[REDACTED] Committee on Judiciary-Legislation. The number of the proposed ordinance was given as 66-2531. The Bureau has been previously advised that SAC, Milwaukee, does not contemplate attending the scheduled hearing.

On 12-2-66, USA Brennan advised SAC, Milwaukee, that he had heard of the scheduled hearing but had as yet not received any invitation, himself. He advised that since the proposed ordinance appears to contain criminal penalties covering federal officials as well as local or state officials in regard to wire tapping activity, he contemplated discussing the matter with the Department as to whether anyone from the U. S. Attorney's office should attend the hearing. He felt at this time that no one from USA's office would be in attendance.

Foregoing for Bureau's information. Subsequent developments in regard to this matter will be furnished to the Bureau.

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Approved: _____ Sent _____ M Per _____
Special Agent in Charge

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 Felt _____
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 Rosen _____
 Sullivan _____
 Tavel _____
 Trotter _____
 Tele. Room _____
 Holmes _____
 Gandy _____

DECODED COPY

☐ AIRGRAM ☐ CABLEGRAM ☐ RADIO ☒ TELETYPE

522PM URGENT 12-7-66 DLS

TO DIRECTOR

FROM MILWAUKEE 012150

JUNE.

ATTENTION [REDACTED] DIVISION NINE.

WILLIAM COVELLI, IGA.

REMITEL AND TEL CALL TO BUREAU INSTANT.

USA JAMES BRENNAN, EDW, DISCUSSED WITH AAG FRED M. VINSON, JR
 SUBPOENA OF SA [REDACTED] MILWAUKEE TO APPEAR 2 PM
 INSTANT IN STATE COURT, KENOSHA, WISC, RE DEFENDANT COVELLI'S
 MOTION TO SUPPRESS EVIDENCE BASED ON FBI ELECTRONIC SURVEILLANCE.
 BRENNAN ADVISED SAC, MILWAUKEE, VINSON DESIRED PARTICULARS RE ANY
 RESTRICTIVE ORDERS BY JUDGE POOS IN BALESTRIERI TAX CASE RE USE
 OF FRINZI ELECTRONIC COVERAGE LOGS BY DEFENSE AND ANY REFERENCE
 TO COVELLI IN FRINZI LOGS IN CONSIDERING APPLICATION OF EXECUTIVE
 PRIVILEGE, TITLE 28, SECTION 1601, RE AGENTS TESTIMONY IN STATE

EX-104 REC-35/62-177-77

DEC 22 1966

DEC 1 1966

DEC 12 1966

ROZELLUS

STANDARD TIME

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

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 Tele. Room _____
 Holmes _____
 Gandy _____

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☐ AIRGRAM ☐ CABLEGRAM ☐ RADIO ☒ TELETYPE

PAGE TWO FROM MILWAUKEE 012150

COURT.

PER RE MI TEL CALL, SINGLE REFERENCE TO COVELLI IN LOGS
 FURNISHED TO BRENNAN VERBATIM, NOTING GOVERNMENT ATTORNEYS
 HAVE NOT SEEN FRINZI LOGS. AFTER BRENNAN REDISCUSSED MATTER
 WITH DEPARTMENT, HE CONTACTED STATE AAG [REDACTED] WHO APPRISED
 STATE JUDGE BAKER, KENOSHA, WISC., OF FEDERAL INTENTION TO
 INVOKE PRIVILEGE. [REDACTED] ADVISED BRENNAN JUDGE BAKER WOULD
 GRANT STATE'S REQUEST AT 2 PM HEARING FOR TEMPORARY ADJOURNMENT,
 BUT WITNESSES UNDER SUBPOENA SHOULD APPEAR AS ORDERED.

ALTHOUGH IT APPEARED QUESTION OF EXECUTIVE PRIVILEGE WOULD
 ACCORDINGLY NOT ARISE AT PRESENT, BRENNAN ADVISED SAC PRIVILEGE
 WOULD BE INVOKED TODAY IF IT DID ARISE. BASED ON DISCUSSION
 WITH VINSON, BRENNAN NOW FEELS HE AND AUSA [REDACTED]
 INVOLVED IN BALISTRIERI TRIAL, SHOULD AVOID IDENTIFYING
 THEMSELVES WITH LOCAL COVELLI TRIAL IF POSSIBLE. HE THEREFORE
 SENT AUSA [REDACTED] WITH SA [REDACTED] TO HEARING.

WHILE SAC CONVERSING WITH USA INSTANT, STATE AAG [REDACTED]
 TELEPHONICALLY CONTACTED SAC AND ASSURED STATE WILL NOT

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☒ AIRGRAM ☐ CABLEGRAM ☐ RADIO ☒ TELETYPE

PAGE THREE FROM MILWAUKEE 012150

FURNISH FBI BIERNAT MEMO TO STATE COURT OR FRINZI.

SA [REDACTED] LATER ADVISED SAC INSTANT JUDGE BAKER IN CHAMBERS REVIEWED FRINZI'S MOTION AND REQUEST BY ATTORNEY [REDACTED] FOR ADJOURNMENT UNTIL CONCLUSION OF BALISTRIERI TAX TRIAL. JUDGE BAKER AGREED BUT TO SATISFY FRINZI'S OBJECTION TO INDEFINITE DELAY, HE RESET HEARING TO DECEMBER 28, STATING WILL THEN RESET AGAIN IF TAX TRIAL NOT FINISHED. SUBPOENAED WITNESS IS NOT CALLED TO TESTIFY AND NO QUESTION OF PRIVILEGE AROSE.

BUREAU WILL BE KEPT ADVISED.

RECEIVED: 7:01 PM RAK/JER

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FBI

Date: 3/20/67

Transmit the following in _____

AIRTEL

(Type in plaintext or code)
AIR MAIL REGISTERED

Via _____

(Priority)

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO: DIRECTOR, FBI ATTN:
DIVISION 9

FROM: SAC, MILWAUKEE (66-950) JUNE

SUBJECT: FRANK PETER BALISTRIERI
AR

ReMI-airtel to Bureau 3/15/67.

Enclosed for Bureau is one Xerox copy of letter addressed to DOMINIC H. FRINZI, Milwaukee Attorney, from Honorable M. EUGENE BAKER, Circuit Judge, Kenosha County, Wisconsin, dated 3/15/67.

FRINZI is representing WILLIAM COVELLI in state court in motion to suppress evidence in perjury and false swearing before court.

On 3/27/67 SA will appear in state court Kenosha County, Wis. before Judge BAKER to testify in COVELLI matter.

On 3/20/67 USA JAMES B. BRENNAN, EDW, Milwaukee, advised SA will be accompanied at motion hearing by an Asst. USA of his office and that testimony of SA will be limited to COVELLI matter in that SA is knowledgeable concerning an electronic surveillance of law office of DOMINIC FRINZI from 4/22/63 to 10/2/63, and that SA did not overhear FRINZI in conversation with WILLIAM COVELLI, nor did he overhear any conversation resulting from above referred to surveillance concerning WILLIAM COVELLI.

Bureau will be kept advised of all pertinent developments re COVELLI matter.

ENCLOSURE

XEROX

APR 6 1967

3-Bureau AM RM (encl.-1)
1-Milwaukee
JEO:mk
(4)

(cc: William Covelli file
(Bufile 162-777)

141 APR 6 1967

MAR 22 1967

Approved: 55
Special Agent in Charge

Sent _____ M Per _____

ORIGINAL FILED IN 72-3116524

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APR 11 1967

RECEIVED

MAR 16 1967

United States Attorney
Eastern District of Wisconsin

March 15, 1967.

Mr. Dominic H. Frinzi, Attorney,
Suite 7144, 161 West Wisconsin Ave.,
Milwaukee, Wisconsin.

Dear Mr. Frinzi:

I have your letter of March 9th, 1967, copies of which were apparently sent to [redacted] Mr. Brennan. I think you have misinterpreted my letter if you have concluded that I was attempting to foreclose your investigation of the question as to whether or not evidence to be used against your client was obtained from electronic surveillance. The purpose of my letter was to report to you [redacted] the facts with respect to the right [redacted] to testify upon the single issue that would have materiality in the above entitled case. I felt then and I feel now that you must decide on the facts I gave you whether or not you felt it was worthwhile to have a further hearing. The only condition I have laid down is that I do want the trial to proceed in the case of State vs Covelli upon the date we have agreed upon.

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I inform you and other counsel that I am reserving the afternoon of March 27th, 1967, from 2:00 o'clock on to permit you to proceed under your order to show cause relating to the problem of evidence obtained from an electronic surveillance. I am sending copies of this letter to [redacted] Mr. Brennan so that they may be advised of the date and so that necessary parties may be present and that we may then conclude that phase of the trial.

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Respectfully yours,

M. Eugene Baker
Circuit Judge

cc: [redacted]

Milwaukee, Wis.

Mr. James P. Brennan,
U. S. Attorney, Post Office Bldg.
Milwaukee, Wis.

MEB-JEB

162-777-
ENCLOSURE

ENCLOSURE

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F B I

Date: 6/7/67

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (162-777)

JUNEFROM *RM* SAC, MILWAUKEE (66-950)SUBJECT: WILLIAM COVELLI
AR

Re Milwaukee airtel Bureau, 3/24/67; Milwaukee teletype to Bureau, 4/1/67; and Milwaukee airtel to Bureau, 5/19/67.

WILLIAM "WHEEZER" COVELLI, age 47, a Kenosha, Wisconsin, hoodlum and close associate of FRANK PETER BALISTRIERI, boss of the Milwaukee Family of LCN, was found guilty and convicted on May 18, 1967, of perjury by Circuit Judge M. EUGENE BAKER, Kenosha County, Wisconsin, for lying about his gambling activities in the Kenosha, Wisconsin, area during 1964 and 1965 to John Doe Investigators.

On June 6, 1967, Judge BAKER fined COVELLI \$5,000 and costs and gave COVELLI the alternative of spending six months in jail.

COVELLI was defended in this matter by Milwaukee Attorney DOMINIC FRINZI, another close associate of BALISTRIERI. FRINZI for several months had tried unsuccessfully to have the evidence compiled against COVELLI

3 - Bureau (162-777) (AM-RM)
1 - Milwaukee (66-950)
JEO/kdb
(4)

EX-103
REC-7

JUN 9 1967

6 JUN 14 1967

Approved: _____
Special Agent in Charge

Sent _____ M

Per _____

SPEC. MAIL RM

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Date:

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Via _____
(Priority)

MI 66-950

suppressed in State Court due to the electronic surveillances of FRINZI's office conducted by the FBI. Judge BAKER subsequently dismissed the suppression motion.

The above information is being furnished for the information of the Bureau.

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Approved: _____ Sent _____ M Per _____
Special Agent in Charge